United Nations A/HRC/WG.6/27/BRA/2

General Assembly

Distr.: General
24 February 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-seventh session
1-12 May 2017

Compilation on Brazil

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. The United Nations country team highlighted the fact that Brazil had ratified most human rights instruments and integrated the principles therein into national legislation. Regarding the relevant recommendations from the second cycle of the universal periodic review,[3] the country team stated that the Government had been waiting since 2010 for the National Congress to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Workers with Family Responsibilities Convention, 1981 (No. 156). The Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of the Child on a communications procedure were also pending ratification.[4]

3. The Office of the United Nations High Commissioner for Human Rights (OHCHR) regional office for South America had provided technical advice to Brazil aimed at strengthening international human rights mechanisms and follow-up to recommendations from the universal periodic review and other mechanisms, among other human rights

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issues.[5] OHCHR had facilitated seminars for least developed countries and small island developing States on their second review cycle, one of which had been held in 2015 in Brazil for Portuguese-speaking States.[6]

4. The United Nations High Commissioner for Human Rights visited Brazil and attended the first regional meeting for Latin America and the Caribbean in the context of the International Decade for People of African Descent, which had taken place in Brasilia in December 2015.[7]

5. Brazil contributed financially to OHCHR in 2012[8] and to the regional office for South America, through a technical cooperation project, in 2014 and 2015.[9]

III. National human rights framework[10]

6. The Special Rapporteur on minority issues noted that Congress had passed Law No. 12.986, under which the Council for the Defence of Human Rights had become the National Human Rights Council, with a more participative structure, a clearer role for civil society and a stronger institutional mandate. However, the legislation did not ensure that the new Council was fully independent. She recommended that Brazil ensure that the Council was compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[11] Regarding the relevant recommendations from the second review cycle,[12] the country team recommended that Brazil amend its legislation to provide the Council with the necessary budgetary, administrative and political independence to implement its functions.[13] The Special Rapporteur on the rights of indigenous peoples raised similar concerns.[14]

7. The same Special Rapporteur considered the disbanding of the Ministry of Women, Racial Equality, Youth and Human Rights a significant regression in the State's commitment to protecting human rights.[15]

8. Regarding the relevant recommendations,[16] the country team indicated that, despite the efforts of the Ministry of Justice to bring Brazilian legislation into line with the obligations arising from the Rome Statute of the International Criminal Court, the necessary changes were still pending.[17]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[18]

9. The Committee on the Rights of the Child was concerned about structural discrimination against indigenous and Afro-Brazilian children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations and children living in rural and marginalized urban areas, including favelas.[19]

10. The Committee was concerned that strategies aimed at eliminating discrimination based on gender, sexual orientation and race had been removed from the education plans of several states. It recommended that Brazil enact legislation to prohibit discrimination and incitement to violence on the basis of sexual orientation and gender identity.[20]

11. The country team noted that, despite the international leadership of Brazil on lesbian, gay, bisexual, transgender and intersex issues, Congress had created additional challenges to the rights of lesbian, gay, bisexual, transgender and intersex persons. The proposed family statute, which excluded lesbian, gay, bisexual, transgender and intersex families from the concept of family, and the proposed national heterosexual pride day had gained support in Congress, while proposals such as the gender identity bill and the criminalization of homophobia had not made any progress.[21]

2. Development, the environment, and business and human rights[22]

12. The Independent Expert on human rights and international solidarity commended Brazil for its policy of solidarity, which defined its international cooperation programme in the fields of agriculture, food security, health, social protection and education in all its modalities, both in South-South and triangular cooperation contexts.[23]

13. The Working Group on the issue of human rights and transnational corporations and other business enterprises encouraged Brazil to develop a full national action plan on business and human rights based on the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.[24]

14. In November 2016, five special procedure mandate holders called for immediate action to address the ongoing impact of the catastrophic collapse of a tailing dam on the river Doce in Mariana on 5 November 2015.[25] The Special Rapporteur on the human rights to safe drinking water and sanitation urged Brazil to secure access to safe drinking water and sanitation for the people affected.[26] In July 2016, a group of United Nations human rights experts commended the decision of the Superior Court of Justice to suspend the reparation settlement reached between the Government and Samarco Mining S.A.[27]

15. The Working Group on business and human rights recommended that Brazil strengthen the coordination between the Brazilian Institute of the Environment and Renewable Natural Resources and the Brazilian National Indian Foundation.[28] A Senate committee had passed an initiative to fast-track the licensing process for infrastructure works and the proposed amendments to the Mining Code included the elimination of some environmental protections.[29]

3. Human rights and counter-terrorism

16. The country team noted that the adoption of an antiterrorism law in 2016 had raised concerns about whether regular activities promoted by social movements and civil society organizations that were not linked to terrorism could fall under the purview of that law.[30] Several special procedure mandate holders had issued a warning about that legislation in November 2015.[31] In February 2016, the OHCHR regional office for South America criticized the adoption of the law, which included vague and ambiguous provisions that were incompatible with international human rights standards.[32]

B. Civil and political rights

1. Right to life, liberty and security of person[33]

17. The Committee on the Rights of the Child was concerned about widespread violence, including sexual harassment of girls, at the hands of the military police and security forces, notably against children in street situations and children living in favelas.[34]

18. The Special Rapporteur on minority issues was concerned about the levels of violence with a racial dimension. Of the 56,000 homicides that occurred each year, 30,000 victims were between 15 and 29 years old, of which 77 per cent were Afro-Brazilian males.

She noted the widespread use of the so-called "resistance followed by death" (*autos de resistência*), which operated to legitimize homicides committed by police officers on the ground of self-defence. In 2016, the Superior Council of Civil Police Chiefs had issued a joint resolution abolishing the use of the term *auto de resistência*.[35]

19. The Working Group of Experts on People of African Descent expressed concern about the practice of racial profiling by the police.[36] The country team raised similar concerns.[37]

20. The Special Rapporteur on the rights of indigenous peoples was concerned at the level of racially based violence against indigenous peoples.[38] In June 2016, she condemned the attacks on the Guarani Kaiowá indigenous community.[39]

21. The country team indicated that although Brazil did not criminalize homosexual acts, reports indicated that it had one of the highest levels of violence against lesbian, gay, bisexual, transgender and intersex persons.[40]

22. Since 2014, the OHCHR regional office for South America had condemned police violence against journalists, social protesters and violence in prisons.[41]

23. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment[42] had received repeated and consistent accounts of torture and ill-treatment in the context of arrest and interrogation by military and civil police and treatment by prison personnel.[43] The Subcommittee was concerned by the lack of independence of the forensic medical institutes.[44] It recommended that Brazil issue strong condemnation, at the highest level of authority, declaring that torture would not be tolerated under any circumstances.[45]

24. The Special Rapporteur and the Subcommittee acknowledged the establishment of the National Committee for the Prevention and Fight against Torture and the national mechanism to prevent and combat torture as steps in the right direction.[46] The Special Rapporteur noted that only six states had laws establishing a torture prevention mechanism, and only two of them had effectively implemented a state preventive mechanism. He expressed concern at the reported lack of funding for those mechanisms and noted that the national mechanism was physically placed at, and financially dependent on, the Human Rights Secretariat.[47]

25. The Special Rapporteur noted that, according to the Ministry of Justice, the prison population was the fourth largest in the world per capita.[48] The Working Group on Arbitrary Detention highlighted the fact that the female prison population (around 7 per cent of the total prison population) had been growing at twice the rate of that of men.[49] The Working Group,[50] the Special Rapporteur on torture[51] and the Committee on the Rights of the Child[52] considered that overcrowding should be reduced by increasing the use of alternative measures of constraint and alternative sentences.

26. The Special Rapporteur and the Subcommittee noted that in general, detention conditions were poor regarding basic sanitation and access to drinkable water, edible food and medical and psychological care. The lack of sanitation and overcrowding had turned prisons into places where disease prevention was a permanent challenge.[53] The Special Rapporteur noted that lesbian, gay, bisexual, transgender and intersex persons were particularly likely to be affected by overcrowding in terms of access to health services.[54]

27. The Subcommittee was deeply concerned about incidents of extreme violence, including homicide, among detainees in overcrowded detention facilities.[55] In January 2017, the OHCHR regional office for South America requested the investigation of the death of 56 inmates during a prison riot in Manaus, and urged Brazil to implement the measures recommended by the Special Rapporteur.[56]

28. The country team noted that Brazil had formal instruments of legal protection and juvenile justice that had not been properly enforced and were underused. The conditions at places of deprivation of liberty were substandard, overcrowded and far from being educational or fit for reintegration purposes.[57] Similar concerns were raised by the Subcommittee and the Special Rapporteur.[58]

2. Administration of justice, including impunity, and the rule of law[59]

29. The Subcommittee on Prevention of Torture and the Special Rapporteur on torture were concerned at the high number of pretrial detainees (40 per cent) and the amount of time spent in pretrial detention.[60] The Working Group on Arbitrary Detention observed that deprivation of liberty was being used as the first resort rather than the last.[61]

30. The Subcommittee noted that, despite the legal prohibition against unlawfully-obtained evidence, confessions, including confessions obtained by torture, were reportedly used in judicial proceedings.[62]

31. The Special Rapporteur welcomed the expansion of alternative measures to pretrial detention, such as house arrest, electronic monitoring devices, restrictions on travel, retention of passports and the obligation to report periodically to the court.[63]

32. The Subcommittee and the Working Group noted that the lack of institutional autonomy, financial and human resources had curtailed the work of public defenders.[64] The Subcommittee recommended that Brazil expedite the creation and effective implementation of a public defence system in all states.[65]

33. The Working Group on business and human rights was concerned by the increasing use of the "safety suspension" (*suspensão de segurança*) legal mechanism, which allowed a higher court president to suspend a lower court's legal decision to block a development project by justifying that the project was a matter of public interest.[66]

34. The Special Rapporteur on the rights of indigenous peoples noted the judiciary's failure to give adequate consideration to indigenous peoples' land rights, such as through the inappropriate application of the Constitution in the Raposa-Serra do Sol ruling.[67] She recommended that Brazil ensure that all courts had a uniform interpretation of the limitations of that ruling.[68]

35. The Special Rapporteur on torture acknowledged a promising pilot project, launched in 2015, to hold custody hearings. He recommended that Brazil expand the application of custody hearings,[69] and the Subcommittee recommended the adoption of Senate Bill No. 554/2011.[70]

3. Fundamental freedoms and the right to participate in public and political life[71]

36. The Working Group on business and human rights noted that the National Programme for the Protection of Human Rights Defenders had a limited budget and few staff.[72] Regarding the relevant recommendations,[73] the country team recommended that Brazil provide for the full implementation of its national programme for the protection of human rights defenders, ensuring that gender and ethnic perspectives were taken into account, a specific legal framework adopted, a budget allocated and multidisciplinary teams set up in all states.[74]

37. The Special Rapporteur on minority issues was concerned by reports of harassment, intimidation, hate speech and even acts of violence against individual members of Afro-religions, including vandalism of places of worship, burning of temples and the desecration of Afro-religious symbols.[75] She recommended that Brazil enact legislation in order to ensure that Afro-religious places of worship received the same protection as other religious places of worship.[76]

38. The Special Rapporteur observed that the increasing dominance of certain religious groups and their concentration in power might have a serious negative impact on the secularist nature of the Brazilian State. She was concerned by proposed constitutional amendment No. 99, which would give religious associations the capacity to challenge the constitutionality of laws and propose constitutional amendments.[77]

39. In June 2016, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights expressed their concern that the Federal Government was intervening in the administration of the Brazilian Public Broadcaster and converting the National Controller's Office into a new Ministry of Transparency, Monitoring and Oversight.[78]

40. Regarding the recommendation on statistics,[79] the country team recommended that Brazil adopt human rights indicators and include disaggregated data regarding people living with HIV, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities, indigenous children and adolescents.[80]

4. Prohibition of all forms of slavery[81]

41. The ILO Committee of Experts on the Application of Conventions and Recommendations acknowledged the results achieved by the National Commission for the Eradication of Slave Labor and the Special Group on Mobile Enforcement in combating slave labour. It welcomed the 2014 constitutional amendment adopting new wording for article 243 of the Constitution, and requested that Brazil take the necessary steps to ensure that any new wording of section 149 of the Penal Code did not constitute an obstacle for investigations.[82]

42. Regarding the recommendations on forced labour,[83] the country team indicated that Brazil had relevant legislation in place, including a broad definition of the crime of slavery. However, bill No. 432/2013 attempted to change that definition, which could be harmful.[84]

43. The Working Group on business and human rights was concerned by the suspension of the publication of the so-called "dirty list" of companies suspected of using slave labour and noted that the Government had indicated its wish to reactivate it.[85]

5. Right to privacy and family life[86]

44. The Committee on the Rights of the Child remained concerned about the continued placement of children in institutions on the basis of their families' socioeconomic vulnerability. It was also concerned about the high levels of violence against and abuse of children living in institutions. It recommended that Brazil establish a systematic monitoring mechanism for private care institutions.[87]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[88]

45. The Committee on the Rights of Persons with Disabilities was concerned about employment discrimination against persons with disabilities, especially women. It recommended that Brazil increase the level of employment of persons with disabilities in the open labour market and take specific measures for women with disabilities.[89]

46. Regarding the relevant recommendation,[90] the country team noted that despite several initiatives, Brazil faced persistent inequalities in terms of access to employment based on gender and race. It recommended that both private and public companies implement programmes to reduce gender and racial inequalities in the world of work.[91]

2. Right to social security[92]

47. The ILO Committee of Experts on the Application of Conventions and Recommendations stated that the payment of benefits to Brazilian nationals, as well as to refugees and stateless persons, must be guaranteed in case of their residence abroad, irrespective of the country of residence and even in the absence of any bilateral social security agreements. According to section 312 of the Social Security Regulations, the payment of benefits abroad had been made subject to the existence of bilateral agreements or the adoption of the instructions by the Ministry of Insurance and Social Assistance. The Committee urged Brazil to take legislative and practical measures to address that situation.[93]

3. Right to an adequate standard of living[94]

48. The Special Rapporteur on minority issues stated that, of the 16.2 million people living in extreme poverty, 70.8 per cent were Afro-Brazilian. She noted the extreme disadvantage experienced in favela and *periferia* communities, which were often dominated by Afro-Brazilians.[95]

49. The Special Rapporteur acknowledged the overall significant economic progress made by Brazil in recent decades, with an estimated 25 million people having been brought out of extreme poverty. While the cash transfer programmes *Minha Casa, Minha Vida* and *Bolsa Familia* had assisted many minority communities, inequality for Afro-Brazilians remained.[96] The country team highlighted the fact that programmes such as *Bolsa Familia* and the National Programme for Strengthening Family Agriculture had contributed to tackling hunger.[97]

50. In December 2016, the Special Rapporteur on extreme poverty and human rights warned that the plans to freeze social spending in Brazil for 20 years were entirely incompatible with the country's human rights obligations.[98]

51. The Special Rapporteur on minority issues stated that, while affirmative action programmes did exist, Quilombos (communities established by escaped African slaves in diverse and often remote and isolated regions) and traditional communities often lacked access to basic services such as education, health, sanitation, infrastructure, transport and communication.[99]

52. The Committee on the Rights of the Child was deeply concerned about the forced eviction of over 250,000 people in the implementation of urban infrastructure projects and in the construction of stadiums for the 2014 World Cup and 2016 Olympic Games. It was concerned about the deprivation of housing and worsening living conditions for evicted families and urged Brazil to guarantee adequate compensation.[100]

53. The Special Rapporteur on water and sanitation noted that, despite major advances in the legal and institutional framework, the political will at the federal level, and investments in the sector, millions of people continued to live in unhealthy environments without access to water and sanitation.[101] People living in favelas were often deprived of access to water and sanitation because public authorities and service providers avoided installing water and sanitation networks, fearing that using public resources for such works in those areas would be considered illegal.[102]

54. The Special Rapporteur noted that the regions with the greatest deficits in terms of sanitation were the north and north-east.[103] Most of the rural population relied on other sources of water supply, and "Water for All" was one of the main programmes in rural areas.[104]

55. Noting also that the National Sanitation Plan was the core of federal policy for sanitation, promoting the national coordination of federal entities, she recommended that

Brazil ensure that the implementation of the Plan incorporated the principle of equality and the progressive elimination of inequalities.[105]

4. Right to health[106]

56. Regarding the relevant recommendation,[107] the country team noted that Brazil had achieved most of the health targets in the Millennium Development Goals. In spite of having one of the biggest and most comprehensive health systems in the world, inequalities prevented vulnerable populations from gaining effective access to health care. Women of African descent received poorer health care than white women and constituted the majority of victims of maternal mortality.[108]

57. The country team indicated that the main victims of child mortality in Brazil were indigenous children. They were twice as likely to die before the age of 1, with many cases resulting from preventable causes.[109]

58. The Subcommittee on Prevention of Torture received allegations from pregnant inmates and mothers with babies in prison concerning a lack of obstetric care and delays in vaccinating infants.[110]

59. The Special Rapporteur on the rights of indigenous peoples was concerned about the health effects of illegal mining and the use of mercury in Yanomami lands.[111]

60. Regarding the relevant recommendation,[112] the country team acknowledged that one of the main achievements of the past 10 years in Brazil had been the successful control of the vertical transmission of HIV. The group most seriously affected by the AIDS epidemic in Brazil was adolescents.[113]

61. The Committee on the Rights of the Child noted the initiatives being taken to combat drug abuse among children, but remained concerned about the high prevalence of drug and substance abuse among children in street situations.[114]

62. The country team noted that the Zika virus outbreak had challenged the Government to promote prevention strategies. It recommended that Brazil adopt a comprehensive strategy for preventing the spread of the epidemic, including the improvement of water and sanitation conditions, access to sexual and reproductive health, access to family planning, and by providing health care and social benefits to those who had been affected.[115]

5. Right to education[116]

63. The Special Rapporteur on minority issues noted that 64 per cent of Afro-Brazilians had not completed basic education.[117] Although the illiteracy rate had fallen, the country team recommended that Brazil promote educational opportunities in accordance with the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, and the Beijing Declaration.[118]

64. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that, while Brazil had significantly increased its investment in education over the past decade, it still faced major challenges in financing education.[119] The Literate Brazil Programme had promoted literacy.[120] Brazil had not taken the necessary measures to combat structural discrimination against lesbian, gay, bisexual, transgender and intersex children, particularly after several states had done away with strategies aimed at eliminating such discrimination.[121]

65. The country team noted that, while affirmative action had been successfully implemented in Brazil, racial inequalities persisted in the education system.[122] The Working Group of Experts on People of African Descent stated that Brazil had been a regional leader in affirmative action policies in employment and education for Afro-Brazilians.[123]

Following a landmark ruling by the Supreme Court on the constitutionality of affirmative action in higher education, the Quota Law had been adopted establishing quotas for students from public schools, Afro-Brazilians and indigenous peoples to increase access to higher education.[124] While quotas enabled initial access to higher education, associated costs could still make education difficult for students.[125] The Working Group remained concerned about the lack of suitable training for teachers, the lack of relevant school materials and opposition to the teaching of Afro-Brazilian cultural and religious traditions.[126]

66. Regarding the relevant recommendation,[127] the country team was concerned that several municipal and state governments were seeking to withdraw gender mainstreaming approaches from education.[128]

67. The Committee on the Rights of Persons with Disabilities was concerned that children with disabilities were refused admission to schools or were charged extra fees.[129]

D. Rights of specific persons or groups

1. Women[130]

68. The Working Group of Experts on People of African Descent noted that Afro-Brazilian women and girls faced intersectional discrimination based on their gender and ethnicity.[131]

69. The Special Rapporteur on minority issues noted that Afro-Brazilian women and girls were more likely to be victims of violence and were overrepresented in low-skilled jobs and in prison populations. There were few Afro-Brazilian women in positions of power.[132]

70. The country team noted that the Federal Government had promoted partnerships with local authorities and made mobile units available to provide specialized services to women living in rural areas, offering social, psychological, health and legal advice for women experiencing violence. New centres providing services to women were expected to be created at strategic points along the country's borders, addressing violence, the trafficking of women and migration. The country team noted that extending actions to prevent violence and to promote service networks for rural women remained a challenge.[133]

2. Children[134]

71. The Committee on the Rights of the Child welcomed the adoption of the National Education Plan (2014-2024), the National Plan to End Sexual Violence against Children and Adolescents and the National Plan to Combat Human Trafficking.[135]

72. The Committee,[136] the Special Rapporteur on minority issues,[137] the Special Rapporteur on torture,[138] and the Subcommittee on Prevention of Torture[139] were alarmed at the proposed constitutional amendment before Congress to lower the age of criminal responsibility from 18 to 16 years of age. In September 2015, the OHCHR regional office for South America stated that, by reducing the age of criminal responsibility, Brazil would contravene its international commitments.[140] In 2016, the Special Rapporteur on torture also expressed concern about pending legislation that would raise the maximum length of sentences for children over 14 years of age from 3 to 10 years.[141] The country team raised similar concerns.[142]

73. Regarding the relevant recommendation,[143] the country team noted that Brazil had enforced Law No. 13.010 of 2014 banning corporal punishment of children. Nevertheless, the law had several implementation gaps and had met with great opposition from conservative sectors of society.[144]

74. Regarding the relevant recommendation,[147] the Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the number of children not registered at birth had fallen from 18.8 per cent in 2003 to 5.1 per cent in 2013, showing significant progress.[148]

3. Persons with disabilities[149]

75. The Committee on the Rights of Persons with Disabilities welcomed the fact that the Convention on the Rights of Persons with Disabilities had constitutional rank in Brazil and praised the establishment of a permanent commission on the rights of persons with disabilities at the Chamber of Deputies of Congress, the adoption of a national plan for the rights of persons with disabilities entitled "Living without limits", and the adoption of several measures aimed at improving accessibility.[150]

76. The Committee was concerned that many persons with disabilities were living in poverty and had no access to resources for an adequate standard of living, particularly in indigenous communities and rural areas.[151]

77. It was also concerned that persons with disabilities whose legal capacity was restricted through interdiction could be sterilized without their free and informed consent.[152]

78. It was further concerned at reports of the arbitrary deprivation of liberty and involuntary treatment of persons with disabilities on the basis of impairment. It recommended that Brazil abolish the practice of involuntary commitment or hospitalization and prohibit forced medical treatment, particularly psychiatric treatment.[153]

79. Regarding the relevant recommendations,[154] the country team noted that the Statute of Persons with Disabilities (Law No. 13.146) had entered into force in January 2016 and that, with the support of UNESCO, Brazil had taken steps to enhance its current mechanisms for designing and implementing policies on accessibility for persons with disabilities.[155]

4. Minorities and indigenous peoples[156]

80. The Special Rapporteur on the rights of indigenous peoples commended Brazil for its efforts to implement differentiated services for indigenous peoples in the areas of health and education, and its acknowledgment of the need to improve the family allowance.[157]

81. She also commended the establishment of a working group within the National Human Rights Council to gather and disseminate information on the situation of indigenous peoples' rights.[158]

82. She further commended the establishment of an internationally recognized legal and administrative framework for the demarcation of indigenous lands, including in cases involving isolated indigenous peoples.[159] However, the State's failure to protect indigenous peoples' lands from illegal activities, particularly mining and logging, was a matter of concern.[160]

83. She noted the continued attempts in Congress to weaken the constitutional and legislative protections of indigenous peoples' rights, for example constitutional amendment proposal No. 215, which would transform land rights recognition from a technical to a political process, and the new Mining Code.[161]

84. She was concerned that prior consultations were not carried out with affected indigenous peoples in relation to megaprojects.[162] Similar concerns were raised by the Committee on the Rights of the Child[163] and the country team.[164]

85. The Special Rapporteur commended Brazil for the constructive and proactive role of the National Indian Foundation and the Public Prosecutor's Office, but was concerned

about the proposed measures to reduce the Foundation's budget and staff.[163] The country team reported that in June 2016, the Foundation had suffered an aggressive cut to its budget, which was currently the lowest it had been in the past 10 years.[164]

86. The Special Rapporteur on minority issues noted that Quilombo and other traditional communities found themselves among the most socially and economically excluded peoples, even in relation to other Afro-Brazilian communities.[165] Similar concerns were raised by the Working Group of Experts on People of African Descent.[166]

87. The Special Rapporteur on minority issues noted that despite the lack of data, Roma continued to be a disadvantaged, socially excluded and largely invisible minority. She commended Brazil for its commitment to include Roma as a demographic category in the 2020 census.[167]

88. Regarding the relevant recommendations,[168] the country team noted that only 57.9 per cent of newborn indigenous children were registered in the first year of life. The Ministry of Justice and the Human Rights Secretariat had conducted awareness-raising campaigns aiming to increase registration rates.[169]

9. Migrants, refugees, asylum seekers and internally displaced persons[170]

89. UNHCR stated that the total refugee population in Brazil amounted to 9,077 persons. Brazil had experienced an increase in asylum claims, from 966 new asylum seekers in 2010 to 28,670 in 2015.[171]

90. Regarding the relevant recommendations,[172] UNHCR noted that Brazil had adopted good practices to enhance the protection and integration of refugees and asylum seekers at the federal, state and municipal levels, such as state committees on asylum and migration, local integration plans, reception centres for migrants and refugees, and progress in the framework of the "Cities of Solidarity" programme.[173]

91. Regarding the relevant recommendation,[174] UNHCR noted that shelters had been created to offer assistance to victims of trafficking in 18 of the 27 states. However, despite the fact that refugees and asylum seekers were particularly at risk of falling victim to trafficking, there was currently no referral mechanism between the National Committee for Refugees and the National Committee to Combat Trafficking in Persons.[175]

92. UNHCR noted that the exponential increase in the number of asylum claims between 2010 and 2015 and the lack of staff in the National Committee refugee status determination unit had overloaded the national asylum system.[176] The country team noted the existence of harmful practices, such as keeping asylum seekers blocked indefinitely at a transit area within Guarulhos international airport.[177]

93. The country team also noted that migrants did not always have birth certificates or identity documents, and were in some cases stateless, which could put children at risk of being trafficked and of further abuse and exploitation.[178]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Brazil will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/BRIndex27.aspx.

[2] For relevant recommendations, see A/HRC/21/11, paras. 119.3, 119.7-119.10, 119.29-119.30 and 119.41.

[3] See A/HRC/21/11, paras. 119.7 (Philippines), 119.9 (Chile), 119.9 (Portugal) and 119.10 (Chad).

[4] Country team submission for the universal periodic review of Brazil, p. 1.

[5] UNHCR, "UNCHR in the field: Americas", in *UNHCR Report 2015*, p. 190.

[6] OHCHR, "Human Rights Council Mechanisms Division", in *OHCHR Report 2015*, p. 292.
[7] OHCHR, "Highlights of results", in *OHCHR Report 2015*, p. 14.
[8] OHCHR, "Donor profiles", in *OHCHR Report 2012*, p. 157.
[9] OHCHR, "Financial statements as at 31 December 2015", in *OHCHR Report 2015*, p. 77.
[10] For relevant recommendations, see A/HRC/21/11, paras. 119.4-119.6, 119.16-119.26, 119.31, 119.33, 119.35, 119.39, 119.49, 119.60, 119.75, 119.78, 119.83, 119.86, 119.103, 119.110, 119.115 and 119.140.
[11] See A/HRC/31/56/Add.1, paras. 42 and 98.
[12] See A/HRC/21/11, paras. 119.16 (Mozambique) and 119.22 (Indonesia).
[13] Country team submission, p. 3.
[14] See A/HRC/33/42/Add.1, para. 87, and A/HRC/33/42/Add.5, para. 10.
[15] See A/HRC/33/42/Add.1, para. 87.
[16] See A/HRC/21/11, paras. 119.4 (Slovakia) and 119.5 (Slovenia).
[17] Country team submission, p. 1.
[18] For relevant recommendations, see A/HRC/21/11, paras. 119.24, 119.28, 119.38-119.39, 119.44, 119.49-119.50, 119.53-119.55, 119.97, 119.134 and 119.156.
[19] See CRC/C/BRA/CO/2-4, para. 23.
[20] Ibid., paras. 23-24.
[21] Country team submission, pp. 1-2.
[22] For relevant recommendations, see A/HRC/21/11, paras. 119.1 and 119.155.
[23] See A/HRC/23/45/Add.1, para. 85.
[24] See A/HRC/32/45/Add.1, para. 61.
[25] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20829&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16803&LangID=E.
[26] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16855&LangID=E.
[27] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20242&LangID=E.
[28] See A/HRC/32/45/Add.1, para. 70.
[29] Ibid., para. 43.
[30] Country team submission, p. 7.
[31] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16709&LangID=E.
[32] See http://acnudh.org/en/brazil-un-human-rights-criticizes-approval-of-anti-terrorism-law/.
[33] For relevant recommendations, see A/HRC/21/11, paras. 119.11-119.15, 119.59-119.69, 119.71-119.78 and 119.110.
[34] See CRC/C/BRA/CO/2-4, para. 35.
[35] See A/HRC/31/56/Add.1, paras. 50-52. See also country team submission, p. 11, and CAT/OP/BRA/3, para. 18.
[36] See A/HRC/27/68/Add.1, paras. 79 and 105.
[37] Country team submission, p. 11.
[38] See A/HRC/33/42/Add.1, para. 60.
[39] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20158&LangID=E.
[40] Country team submission, p. 5. See also A/HRC/31/57/Add.4 and Corr.1, para. 32, and CAT/OP/BRA/3, para. 71.
[41] See http://acnudh.org/brasil-violencia-en-protestas-sociales-preocupa-a-acnudh-regional/, http://acnudh.org/en/ohchr-condemns-violence-in-brazilian-prisons/, http://acnudh.org/en/ohchr-condemns-violence-against-journalists-in-brazil/, http://acnudh.org/oficina-de-derechos-humanos-de-la-onu-condena-ejecuciones-extrajudiciales-en-brasil/, http://acnudh.org/en/ohchr-south-america-repudiates-deaths-of-a-civilian-and-two-police-officers-in-brazil/, http://acnudh.org/en/regional-office-calls-on-protecting-journalists-and-media-professionals-in-brazil/, http://acnudh.org/en/brazil-public-statement-by-the-ohchr-regional-office-for-south-america-and-un-women-brazil-on-the-violent-death-of-luana-reis-2/ and http://acnudh.org/pt-br/brasil-direitos-humanos-da-onu-condena-morte-de-candidato-em-goias/.
[42] See A/HRC/31/57/Add.4 and Corr.1, para. 50, A/HRC/31/57/Add.6 and CAT/OP/BRA/3, paras. 15-17.

[43] See CAT/OP/BRA/1, para. 79.
[44] See CAT/OP/BRA/3, paras. 20-22.
[45] See CAT/OP/BRA/1, para. 53.
[46] See A/HRC/31/57/Add.4 and Corr.1, para. 59, and CAT/OP/BRA/3, paras. 15-17.
[47] See A/HRC/31/57/Add.4 and Corr.1, paras. 84 and 86. See also CAT/OP/BRA/3, paras. 15-17.
[48] See A/HRC/31/57/Add.4 and Corr.1, para. 16.
[49] See A/HRC/27/48/Add.3, paras. 69-70. See also CAT/OP/BRA/3, para. 64.
[50] See A/HRC/27/48/Add.3, para. 95.
[51] See A/HRC/31/57/Add.4 and Corr.1, para. 100.
[52] See CRC/C/BRA/CO/2-4, para. 88.
[53] See A/HRC/31/57/Add.4 and Corr.1, paras. 129-130. See also CAT/OP/BRA/3, paras. 41 and 45-54.
[54] See A/HRC/31/57/Add.4 and Corr.1, para. 36.
[55] See CAT/OP/BRA/3, para. 50.
[56] See http://acnudh.org/brasil-onu-derechos-humanos-pide-medidas-contra-la-violencia-en-prisiones-tras-motines-en-manaos/.
[57] Country team submission, p. 6.
[58] See CAT/OP/BRA/3, paras. 45 and 69, and A/HRC/31/57/Add.4 and Corr.1, paras. 123-125.
[59] For relevant recommendations, see A/HRC/21/11, paras. 119.90 and 119.110-119.126.
[60] See CAT/OP/BRA/3, para. 25, and A/HRC/31/57/Add.4 and Corr.1, para. 19.
[61] See A/HRC/27/48/Add.3, para. 79.
[62] See CAT/OP/BRA/3, paras. 33-39, and CAT/OP/BRA/1, paras. 30 and 52-53.
[63] See A/HRC/31/57/Add.4, para. 100.
[64] See A/HRC/27/48/Add.3, para. 105.
[65] See CAT/OP/BRA/1, paras. 24 and 26.
[66] See A/HRC/32/45/Add.1, para. 44.
[67] See A/HRC/33/42/Add.1, para. 79.
[68] Ibid., para. 97.
[69] See A/HRC/31/57/Add.4 and Corr.1, paras. 97 and 147.
[70] See CAT/OP/BRA/3, paras. 25-27.
[71] For relevant recommendations, see A/HRC/21/11, paras. 119.79-119.89, 119.130, 119.144, 119.146 and 119.148.
[72] See A/HRC/32/45/Add.1, para. 50.
[73] See A/HRC/21/11, paras. 119.83 (Timor-Leste) and 119.86 (Belgium).
[74] Country team submission, p. 6.
[75] See A/HRC/31/56/Add.1, para. 81.
[76] Ibid., para. 112.
[77] Ibid., para. 87.
[78] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20176&LangID=E.
[79] See A/HRC/21/11, para. 119.25 (Belgium).
[80] Country team submission, p. 12.
[81] For relevant recommendations, see A/HRC/21/11, paras. 119.98-119.103, 119.106-119.107 and 119.119.
[82] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3252846:NO.
[83] See A/HRC/21/11, paras. 119.107 (Iraq) and 119.119 (Paraguay).
[84] Country team submission, p. 7.
[85] See A/HRC/32/45/Add.1, para. 53.
[86] For relevant recommendations, see A/HRC/21/11, paras. 119.127-119.129.
[87] See CRC/C/BRA/CO/2-4, paras. 45-46.
[88] For relevant recommendations, see A/HRC/21/11, paras. 119.43, 119.107, 119.119, 119.151-119.152 and 119.154.
[89] See CRPD/C/BRA/CO/1, paras. 48-49.
[90] See A/HRC/21/11, para. 119.51 (Turkey).
[91] Country team submission, p. 9. See also CAT/OP/BRA/3, para. 62.
[92] For the relevant recommendation, see A/HRC/21/11, para. 119.133.
[93] See

www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:P11110_COUNTRY_ID:P11110_COUNTRY_NAME:P11110_COMMENT_YEAR:3248760,102571,Brazil,2015.

[93] For relevant recommendations, see A/HRC/21/11, paras. 119.58, 119.131-119.132, 119.135-119.137, 119.141-119.145, 119.147, 119.150, 119.153, 119.157 and 119.170.

[94] See A/HRC/31/56/Add.1, para. 57. See also country team submission, p. 11.

[95] See A/HRC/31/56/Add.1, para. 41.

[96] Country team submission, p. 3.

[97] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21006&LangID=E.

[98] See A/HRC/31/56/Add.1, para. 74.

[99] See CRC/C/BRA/CO/2-4, paras. 71-72.

[100] See A/HRC/27/55/Add.1, para. 97, and A/HRC/27/55/Add.4.

[101] See A/HRC/27/55/Add.1, para. 54.

[102] Ibid., paras. 13-14.

[103] Ibid., paras. 59-61.

[104] Ibid., paras. 35-38 and 99.

[105] For relevant recommendations, see A/HRC/21/11, paras. 119.146, 119.148-119.149 and 119.151-119.152.

[106] See A/HRC/21/11, para. 119.148 (Cuba).

[107] Country team submission, p. 10.

[108] Ibid., p. 12.

[109] See CAT/OP/BRA/1, para. 48.

[110] See A/HRC/33/42/Add.1, para. 72.

[111] See A/HRC/21/11, para. 119.152 (Islamic Republic of Iran).

[112] Country team submission, p. 10.

[113] See CRC/C/BRA/CO/2-4, para. 63.

[114] Country team submission, p. 10.

[115] For relevant recommendations, see A/HRC/21/11, paras. 119.156-119.161.

[116] See A/HRC/31/56/Add.1, para. 57.

[117] Country team submission, p. 11.

[118] UNESCO submission for the universal periodic review of Brazil, p. 17.

[119] Ibid., p. 23.

[120] Ibid., pp. 23-24.

[121] Country team submission, p. 10.

[122] See A/HRC/27/68/Add.1, para. 25.

[123] Ibid., para. 16.

[124] Ibid., para. 42.

[125] Ibid., para. 37.

[126] See A/HRC/21/11, para. 119.161 (Iraq).

[127] Country team submission, p. 11.

[128] See CRPD/C/BRA/CO/1, para. 44.

[129] For relevant recommendations, see A/HRC/21/11, paras. 119.2, 119.45, 119.47, 119.90-119.96 and 119.140.

[130] See A/HRC/27/68/Add.1, para. 83.

[131] See A/HRC/31/56/Add.1, para. 59.

[132] Country team submission, p. 8.

[133] For relevant recommendations, see A/HRC/21/11, paras. 119.33, 119.104-119.105, 119.108-119.109 and 119.140.

[134] See CRC/C/BRA/CO/2-4, para. 5.

[135] Ibid., para. 87.

[136] See A/HRC/31/56/Add.1, para. 55.

[137] See A/HRC/31/57/Add.4 and Corr.1, paras. 108-109.

[138] See CAT/OP/BRA/3, para. 66.

[139] See http://acnudh.org/en/opinion-piece-by-reducing-the-age-of-criminal-responsibility-brazil-would-ignore-international-commitments/.

[140] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20387&LangID=E.

[142] Country team submission, p. 2.
[143] See A/HRC/21/11, para. 119.95 (Azerbaijan).
[144] Country team submission, p. 8.
[145] See A/HRC/21/11, para. 119.129 (Uruguay).
[146] UNHCR submission for the universal periodic review of Brazil, p. 4.
[147] For relevant recommendations, see A/HRC/21/11, paras. 119.35, 119.39, 119.134, 119.136-119.138, 119.140 and 119.142.
[148] See CRPD/C/BRA/CO/1, para. 4.
[149] Ibid., para. 50.
[150] Ibid., para. 34.
[151] Ibid., paras. 28-29.
[152] See A/HRC/21/11, paras. 119.35 (Nepal) and 119.39 (Spain).
[153] Country team submission, p. 2.
[154] For relevant recommendations, see A/HRC/21/11, paras. 119.31, 119.140 and 119.162-119.169.
[155] A/HRC/33/42/Add.1, para. 14.
[156] Ibid.
[157] Ibid.
[158] Ibid., para. 70.
[159] Ibid., para. 64.
[160] Ibid., para. 63.
[161] CRC/C/BRA/CO/2-4, para. 79.
[162] Country team submission, p. 11.
[163] See A/HRC/33/42/Add.1, paras. 14 and 73-74.
[164] Country team submission, p. 11.
[165] See A/HRC/31/56/Add.1, para. 61.
[166] See A/HRC/27/68/Add.1, para.108.
[167] See A/HRC/31/56/Add.1, paras. 77-79.
[168] See A/HRC/21/11, paras. 119.128 (Uruguay) and 119.129 (Uruguay).
[169] Country team submission, p. 7.
[170] For the relevant recommendation, see A/HRC/21/11, para. 119.170.
[171] UNHCR submission, p. 1.
[172] See A/HRC/21/11, para. 119.170 (Holy See).
[173] UNHCR submission, pp. 2-4.
[174] See A/HRC/21/11, para. 119.98 (Sweden).
[175] UNHCR submission, pp. 3-5.
[176] Ibid., p. 6.
[177] Country team submission, p. 3.
[178] Ibid., p. 4.